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To: Microsoft ATR
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Subject: Microsoft Settlement

I think the proposed (largely by MicroSoft itself) settlement of the MicroSoft antitrust case is a joke.

Bill Gates describes it as "fair". I DO NOT WANT a remedy that the offender accepts as "fair". How many convicted criminals regard their prison sentences as "fair"? I want a remedy that will make (particularly Bill Gates) whine to the press about "punishment". MicroSoft deserves to be punished.

I want a remedy that will cause suffering on the part of MicroSoft, in reasonable balance to the amount of suffering that its monopoly abuses have caused to their competitors and to the rest of the computing industry in general. In particular, their rival, Netscape, was driven out of business by the anticompetitive practices of the MicroSoft monopoly. Any "remedy" that falls short of at least threatening MicroSoft's present monopoly position is clearly insufficient.

In my understanding, a remedy for monopoly abuse is supposed to do three things:

1) Punish the offender, primarily by depriving them of the gains obtained by their illegal actions. The proposed "settlement" does nothing to relieve MicroSoft of the market power they have gained by eliminating the Netscape Corporation and cornering the internet browser market. An appropriate remedy might be to require that MicroSoft _withdraw_ their Internet Explorer product from the market. This product brings MicroSoft no revenue, and their sole purpose for purchasing it, releasing it, tying it into Windows, and illegally leveraging their Operating System monopoly to establish its dominance in the browser market was to destroy Netscape Navigator. It seems only fair to deprive Microsoft of the browser market monopoly obtained via Internet Explorer by depriving them of the product itself. Also, all the claims the defendant made about Explorer being "irremovably integrated into the Windows operating system" are perjuries. As a professional software engineer I can assure the court that, if ordered to do so, there is no technical barrier that would stop MicroSoft from removing Explorer from Windows.

2) Repair the damage done to the market by the monopoly's actions. It would be pretty much impossible, now, to restore Netscape Navigator to the position it held before MicroSoft set out to destroy it. The elimination of Internet Explorer would at least open up the browser market for the several other products in this area to be able to compete on the basis of their relative merits, without MicroSoft shaping the playing field to favor its browser.

3) Insure that the monopoly abuse does not recur. I do not believe that the proposed 3-person panel would be able to effectively monitor the abuses of the

multibillion-dollar MicroSoft monopoly. In my opinion, the only way to stop their already escalating abuse of their monopoly in the internet browser market would be to take that illegally obtained monopoly away from them, again by forcing MicroSoft to withdraw Explorer from the browser market.

I sincerely hope that the court will NOT approve the proposed settlement as it now stands. MicroSoft should be regarded as a repeat offender in the abuse of its Operating System monopoly, and penalized accordingly and quite harshly. The proposed settlement more closely resembles "dinner and a movie" than any sort of "punishment", and completely fails to address the issues which are supposed to be the goals of a monopoly abuse remedy.

In an effort to assist the court in the development of an appropriate remedy in the MicroSoft case, I would again suggest that MicroSoft be ordered to withdraw the Explorer product, and be forbidden from re-entering the internet browser market for at least the next five years. Penalties for disobeying these orders (and you may rest assured that they will be disobeyed) might best take the form of billion-dollar fines, to be paid to the Free Software Foundation, which is MicroSoft's sole credible competitor and the last entity on this planet that the MicroSoft Empire would want to see its money go to support. While elegantly simple in concept, its effect on MicroSoft would be to positively end its present and illegally obtained monopoly in the internet browser marketplace, and prevent the otherwise inevitable future abuses thereof. I believe that this is the most appropriate and fair penalty for their actions. It is also a remedy that would be effectively enforceable in the real world. A breakup of MicroSoft into separate Operating System and Application Software companies would be simply impossible to administer. A triumvirate panel would be most ineffective, as it would lack the authority and probably the will to impose the severe, indeed draconian, sanctions that will clearly be required to force the offender to modify its illegal and immoral, but nonetheless quite profitable, business practices.

Will Bill Gates like this? I think not, which is exactly what I want. You need to ask yourself who you are working for, Bill Gates and the MicroSoft Empire, or the general public?

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